

REMARKS

Status of the claims:

With the above amendments, claim 34 has been canceled, claims 7 and 38 have been amended, and claims 26-29, 36, and 37 have been withdrawn from a previous restriction requirement. Claims 1, 3-7, 26-33, and 35-38 are pending with claims 1, 3-7, 30-33, 35, and 38 being ready for further action on the merits. No new matter has been added by the above amendments. Claim 7 has support in original claim 8. Claim 38 has been amended simply by changing the dependency so it no longer depends from canceled claim 34.

Inquiry

Applicants inquire about the status of claim 35, which the Examiner says is objected to in the Office Action of October 2, 2001, yet no mention is made of claim 35 on the Office Action Summary page.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1, 3-6, and 30-33 have been rejected under 35 U.S.C. § 112, first paragraph for alleged lack of description. This rejection is traversed for the following reasons.

The Examiner has maintained the rejection under 35 U.S.C. § 112 on the basis that the extrinsic evidence presented in the 37

CFR §1.132 declaration by Dr. Holmgren is not commensurate in scope with the claims. The Examiner asserts that the claims reference kringle domains 1-4 and/or 5 whereas the 37 CFR §1.132 declaration refers to ABP-1. The Examiner further asserts that it is unknown if ABP-1 is a receptor for kringle domains 1-4 or just kringle domain 5 or kringle domains 1-5. The Examiner further asserts that the 37 CFR §1.132 declaration is not commensurate in scope with the claims. Applicants respectfully disagree.

The rejection is erroneous because the claims are not claiming the kringle domains, but rather are claiming a protein that is a receptor for an N-terminal fragment of plasminogen having the domains 1-4 and/or 5. As a point of clarification, ABP-1 is a receptor for kringle domains 1-4 and/or kringle domain 5, or all three possibilities according to claim 1. Thus, the 37 CFR §1.132 declaration is completely commensurate in scope with the claims. Accordingly, the rejection is inappropriate. Withdrawal of the rejection is warranted and respectfully requested.

Rejections Under 35 U.S.C. § 102

Claim 7 remains rejected under 35 U.S.C. § 102(e) as being anticipated by Reed '572 (US Patent No. 5,916,572). This rejection is traversed for the following reasons.

First, claim 7 has been amended to recite, "at least 10 contiguous amino acid residues". Reed describes at most six contiguous amino acids identical to a portion of SEQ ID NO. 2. Accordingly, Reed '572 cannot anticipate the amended claim 7 because it fails to disclose the elements of the instant claim. Withdrawal of the rejection is respectfully requested.

Claim 34 is rejected under 35 U.S.C. § 102(b) as being anticipated by Petersen et al. (J. Mol. Biol., 265(11), pp. 6104-6111 (1990)). For the record, the volume number of the Petersen et al. reference is 265, and not 205 as the Examiner asserts. Regarding the rejection, claim 34 has been cancelled. Thus, the rejection is moot. Withdrawal of the rejection is respectfully requested.

Rejections Under 35 U.S.C. § 103

Claims 34 and 38 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Petersen et al. (J. Mol. Biol., 265(11), pp. 6104-6111 (1990)) in view of Jankun '350 (US Patent No. 5,679,350).

This rejection is traversed for the following reasons.

Claim 34 has been cancelled and claim 38 has been amended so that it is no longer dependent from claim 34. Accordingly, the rejection is moot. Withdrawal of the rejection is warranted and respectfully requested.

Allowable Subject Matter

Applicants thank the Examiner for the acknowledgment that claim 8 is allowable and claims 3-8 and 31-33 and 35 are free of the art.

Conclusion

With the above remarks and amendments, it is believed that the claims, as they now stand, define patentable subject matter such that a passage of the instant invention to allowance is warranted. A Notice to that effect is earnestly solicited.

If any questions remain regarding the above matters, please contact Applicant's representative, Gerald M. Murphy, Jr., in the Washington metropolitan area at the phone number listed below.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) respectfully petition(s) for a three (3) month extension of time for filing a reply in connection with the present application, and the required fee of \$920.00 is attached hereto.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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VERSION WITH MARKINGS TO SHOW CHANGES MADE

IN THE CLAIMS:

Claim 34 has been cancelled.

The claims have been amended as follows:

7. (Amended) A peptide capable of binding an N-terminal fragment of plasminogen and which has an amino acid sequence comprising at least [5] 10 contiguous amino acid residues of SEQ ID NO. 2.

38. (Amended) A composition comprising a protein or peptide according to [any one of claims 34 or 35] claim 35 together with a pharmaceutically acceptable carrier.